

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$116,475.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Lisa T. Warwick, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(6), for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, approximately \$116,475.00 in United States currency, was seized on or about August 7, 2020, from an individual having the initials D.T. at 4XXX W. Wells Street, Apt. X, Milwaukee, Wisconsin.

3. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

7. The defendant property, approximately \$116,475.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

8. Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812.

9. Cocaine is a Schedule II controlled substance under 21 U.S.C. § 812.

Background

10. A confidential informant (“CI”) identified D.T. as an individual who, from at least May 2020 to August 2020:

- A. Sold crack cocaine at any time, 24 hours per day and seven days per week when D.T. had product (cocaine) on-hand.
- B. Sold high quality crack cocaine.
- C. Sold crack cocaine even during the “drought,” when the supply was limited.

11. In May 2020, the CI conducted a controlled buy of crack cocaine from D.T.
 - A. The CI purchased less than one gram of crack cocaine from D.T.
 - B. The CI paid to D.T. less than \$100 for the crack cocaine.
12. In early August 2020, the CI conducted a controlled buy of crack cocaine from D.T.
 - A. The CI purchased less than one gram of crack cocaine from D.T.
 - B. The CI paid to D.T. less than \$100 for the crack cocaine.
13. During at least June and July 2020, based on officers' surveillance and cellular ping data, D.T. frequented 4XXX W. Wells Street, Apt. X, Milwaukee, Wisconsin (the "Wells Street Residence") during the day – entering and exiting the residence – and stayed at the Wells Street Residence during the evenings.
14. Utilities records show that D.T. activated the utilities at the Wells Street Residence, in only D.T.'s name, on February 3, 2020.

August 7, 2020 execution of search warrant at D.T.'s Wells Street Residence

15. On August 7, 2020, officers executed a search warrant at D.T.'s Wells Street Residence, 4XXX W. Wells Street, Apt. X, Milwaukee, Wisconsin.
16. D.T. and Samantha Hansen were present during execution of the search warrant.
17. On August 7, 2020, the following items, among others, were inside the Wells Street Residence:

- A. In the kitchen:
 - i. One digital scale with cocaine residue on the base.
 - ii. One scale identified as a "pound" scale.
 - iii. Two boxes of baggies next to several pair of latex gloves and a third scale.

B. In the living room:

- i. A Wisconsin Certificate of Title addressed to Samantha Hansen at her residence of 4XXX South 5th Place, Milwaukee, Wisconsin.
- ii. A bottle of Narcan.
- iii. Two laptop computers.

C. In the bedroom:

- i. Inside and on top of the dresser:
 - a. On the top –
 1. A locked safe containing approximately \$2,037.00 in United States currency.
 2. A bag containing 1.82 grams of marijuana.
 3. A lanyard with multiple keys attached.
 - b. Inside the top right drawer –
 1. A box of ammunition.
 2. Three Western Union money orders.
 - c. Inside the top middle drawer –
 1. A WE Energies utility bill addressed to D.T. at the Wells Street Residence.
 2. A digital scale with cocaine residue on the base. Latent print examiners identified the right middle fingerprint of D.T. on this scale.
- ii. Behind the dresser was a pair of pants with a wallet in the front pocket. The wallet contained identification cards and miscellaneous cards for D.T.
- iii. Inside the closet was a locked safe containing approximately \$161,000.00 in United States currency.
- iv. Throughout the bedroom were four cell phones.

18. On August 7, 2020, the following items, among others, were inside a 2020 Hyundai Elantra, with Minnesota license plates, parked in the rear parking lot of the Wells Street Residence:

- A. A digital scale with cocaine residue was inside the driver's door pocket.
- B. A Spectrum bill addressed to D.T. at the Wells Street Residence was inside the same driver's door pocket.

19. The key fob to the 2020 Hyundai Elantra was located on the above-mentioned lanyard located on top of the dresser in the bedroom.

20. The 2020 Hyundai Elantra had been rented by D.T. on August 2, 2020, and was due to be returned to the rental agency on August 9, 2020.

21. On August 7, 2020, a total of approximately \$163,037.00 in United States currency was seized from the Wells Street Residence. The defendant property, approximately \$116,475.00 in United States currency, is a portion of that seized currency.

22. On August 7, 2020, a drug detection canine gave a positive alert to the odor of a controlled substance on the approximately \$163,037.00 in United States currency seized from the Wells Street Residence.

Administrative Forfeiture Proceedings

23. On or about September 30, 2020, the Federal Bureau of Investigation ("FBI") began administrative forfeiture proceedings against the approximately \$163,037.00 in United States currency seized from D.T.'s Wells Street Residence on August 7, 2020, on the ground that the seized currency was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

24. On or about October 29, 2020, Samantha Hansen filed a claim with the FBI in the administrative forfeiture proceeding to the defendant approximately \$116,475.00 in United States currency.

Warrant for Arrest In Rem

25. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

Claims for Relief

26. The plaintiff alleges and incorporates by reference the paragraphs above.

27. By the foregoing and other acts, the defendant property, approximately \$116,475.00 in United States currency, was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

28. The defendant approximately \$116,475.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property, approximately \$116,475.00 in United States currency, be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 27th day of January, 2021.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

By: /s/ Lisa T. Warwick
LISA T. WARWICK
Assistant United States Attorney
Wisconsin Bar No. 1017754
Attorney for Plaintiff
Office of the United States Attorney
Federal Building, Room 530
517 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 297-1700
Fax: (414) 297-4394
lisa.warwick@usdoj.gov

Verification

I, Kody WETZEL, hereby verify and declare under penalty of perjury that I am a Task Force Officer (TFO) with the Federal Bureau of Investigation (“FBI”) in Milwaukee, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 8 through 22 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer with the FBI.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 01/26/2021

s/TFO KODY C. WETZEL
Kody C. WETZEL
Task Force Officer
Federal Bureau of Investigation

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Lisa T. Warwick, AUSA
US Attorney's Office, #530 Federal Building
517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)

DEFENDANTS

APPROXIMATELY \$116,475.00 IN UNITED STATES CURRENCY

County of Residence of First Listed Defendant Milwaukee(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Fraud	SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 391 Truth in Lending	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 392 Other Personal Product Liability	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	Habeas Corpus:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition)		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 USC § 881(a)(6)

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

01/27/2021

s/LISA T. WARWICK

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

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JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$116,475.00 IN UNITED
STATES CURRENCY,

Defendant.

WARRANT FOR ARREST IN REM

To: THE UNITED STATES MARSHAL
Eastern District of Wisconsin

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 27th day of January, 2021, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant property pursuant to Title 21, United States Code, Section 881(a)(6), and which prays that process issue to enforce the forfeiture and to give notice to all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant property be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant property, approximately \$116,475.00 in United States currency, which was seized on or about August 7, 2020, from an individual having the initials D.T. at 4XXX W. Wells Street, Apt. X, Milwaukee, Wisconsin, and which is presently in the custody of the United States Marshal

Service in Milwaukee, Wisconsin, in the Eastern District of Wisconsin, and to detain the same until further order of this Court.

Dated this _____ day of _____, 2021, at Milwaukee, Wisconsin.

GINA COLLETTI
Clerk of Court

By:

Deputy Clerk

Return

This warrant was received and executed with the arrest of the above-named defendant.

Date warrant received: _____

Date warrant executed: _____

Name and title of arresting officer: _____

Signature of arresting officer: _____

Date: _____